

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

FRACTUS, S.A.

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§

Civil Action No. 6:09-cv-203 (LED-JDL)

§

v.

§

JURY TRIAL DEMANDED

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§

SAMSUNG ELECTRONICS CO., LTD.,  
et al.

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**DEFENDANTS' NOTICE AND CERTIFICATION REGARDING CONFIDENTIALITY  
DISPUTE PURSUANT TO PARAGRAPH 5 OF THE PROTECTIVE ORDER (DKT. 266)**

Pursuant to Paragraph 5 of the Protective Order entered in this action (Dkt. 266), Defendants Samsung Electronics Co., Ltd., Samsung Telecommunications America, LLP, Samsung Electronics Research Institute, and Samsung Semiconductor Europe GMBH ("Defendants") hereby respectfully certify that Defendants have challenged the confidentiality of the P.R. 3-1 Infringement Contentions ("Infringement Contentions") served by Plaintiff Fractus S.A. ("Fractus") on Defendants on November 6, 2009; that Defendants in accordance with Paragraph 5 of the Protective Order have served notice of their challenge to Fractus' confidentiality designation; and that the parties cannot reach agreement as to the confidential nature of those Contentions.

Whereas Fractus maintains that its Infringement Contentions are Fractus' "Protected Information" under the terms of the Protective Order, Defendants do not believe that Fractus has any basis to claim confidentiality in the Infringement Contentions.

Pursuant to the Protective Order, Paragraph 5, Plaintiff shall have ten (10) days from the date of this Notice and Certification to file a motion for a protective order with regard to the

Contentions, or, if such a motion is not timely filed, then the Contentions shall no longer be subject to confidential treatment under the Protective Order.

The following defendants also join in this Notice and Certification: Research In Motion LTD, Research in Motion Corp., Pantech Wireless, Inc., HTC Corp., HTC America, Inc., Sanyo Electric Co., Ltd., Sanyo North America Corp, LG Electronics, Inc., LG Electronics U.S.A., Inc., LG Electronics MobileComm U.S.A., Sharp Corp., Sharp Electronics Corp. and Personal Communications Devices Holdings, LLC.

Date: April 29, 2010

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on April 29, 2010. Any other counsel of record will be served by First Class U.S. mail on this same date.

/s/ Michael E. Jones  
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